

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOHN BARNHARDT, et al.,

PLAINTIFFS

AND

UNITED STATES OF AMERICA,

PLAINTIFF-INTERVENOR

VS.

CIVIL ACTION NO. 4:65CV01300-HTW-LRA

**MERIDIAN MUNICIPAL SEPARATE
SCHOOL DISTRICT, et al.**

DEFENDANTS

ORDER AMENDING CONSENT ORDER

Before the Court is the Private Plaintiffs' Motion to Amend Consent Order. [ECF No. 40]. In their motion, the Private Plaintiffs ask the Court to amend the Consent Order, entered on May 30, 2013, [ECF No. 36], with regard to the Meridian Public School District's ("District") requirements for providing its semi-annual reports to the Private Plaintiffs and the United States. *See*, [ECF No. 36 ¶ 109]. Specifically, the Private Plaintiffs ask the Court to modify the Consent Order to require the District to submit its semi-annual reports to the Private Plaintiffs at the same time and in the same format, *i.e.* un-redacted, as the District submits its reports to the United States. [ECF No. 40, p. 1]. The Private Plaintiffs also ask the Court to order the District to submit copies of all previous semi-annual reports to them in un-redacted form. *Id.*

In response to the Private Plaintiffs' Motion, the District proposes an alternative amendment to the Consent Order that, within thirty days of the District's submission of its semi-

annual reports to the United States, the District will submit to counsel for Private Plaintiffs the same report with redactions of information protected by FERPA. In doing so, the District will assign to each student a unique identification number so that it will be possible to follow each student's individual disciplinary history and records. [ECF No. 43]. According to the District, this alternative proposal will allow it to fulfill its obligations to its students under FERPA while also ending the delays complained of by the Private Plaintiffs. *Id.*

In reply to the District's response, the Private Plaintiffs represent they are "amenable" to the District's alternative modification subject to certain conditions: (1) the District will provide its semi-annual reports to Private Plaintiffs in the same format as the reports provided to the United States; (2) the contents of the semi-annual reports provided to Private Plaintiffs will be identical to the contents of the reports provided to the United States, except that the students' names shall be replaced with "unique identification number[s]" that will make it "possible to follow each student's individual disciplinary history and records," *id.*; and (3) within ninety days of the Court's order amending the Consent Order, the District will provide to Private Plaintiffs copies of all the semi-annual reports that it previously submitted to the United States with the student names replaced with "unique identification number[s]." [ECF No. 46, p. 2].

The Court, having reviewed the submissions of the parties¹ and being fully advised of their positions, finds modification of the Consent Order, specifically paragraph 109, pp. 40-41, is appropriate and orders as follows:

1. The second sentence of paragraph 109, providing that "The United States shall provide a copy of each semi-annual report to counsel for Private Plaintiffs, subject to the requirements of FERPA." is deleted.

¹ On February 16, 2017, the Court received correspondence from the District advising that the District could agree to conditions "1" and "2" as set out in the Private Plaintiffs' Reply, [46], but could not agree to condition "3."

2. Substituted in place of the deleted sentence is the following: "Within thirty days of the District's submission of its semi-annual reports to the United States, the District shall submit to counsel for Private Plaintiffs the identical report with redactions of information protected by FERPA. The District shall assign to each student a unique identification number so that it will be possible to follow each student's individual disciplinary history and records. The District will provide its semi-annual reports to Private Plaintiffs in the same format as the reports provided to the United States."

SO ORDERED AND ADJUDGED, this 11th day of June, 2017.

**s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE**